



## City Council Actions

### In City Council

**Tuesday, April 20, 2021**

**Present:** Councilors Baker, Bowman, Crossley, Danberg, Downs, Gentile, Greenberg, Grossman, Humphrey, Kalis, Kelley, Krintzman, Laredo, Leary, Lipof, Lucas, Malakie, Noel, Norton, Oliver, Ryan, Wright & Albright

### **The City Council discussed the following items on Second Call:**

#### **#110-21 National Grid petition for grant of location in Circuit Ave and Thurston Road**

NATIONAL GRID petition for a grant of location to install and maintain gas main in Circuit Avenue and Thurston Road as follows:

- 1530'± of 4" plastic main in Thurston Road from the 8" plastic main in Circuit Avenue to the end of the main at #114 Thurston Road to replace 1530'± of 6" LP bare steel main;
- 1055'± of 4" of plastic main in Cottage Street from Thurston Road to Elliot Street to replace 845'± 4" LP cast iron and 10'± of 4" of LP plastic main;
- 320'± of 4" plastic main in Columbia Avenue from Cottage Street to the end of the main at #31 Columbia Avenue to replace 320'± of 4" LP bare steel main; in the public portion of Columbia Avenue.
- 510'± of 4" plastic in Champa Street from Cottage Street to the end of the main at #41 Champa Street to replace 510'± 4" LP cast iron main

This work is a part of the Cast iron Main Replacement Program. (Ward 5)

**Public Facilities Approved Subject to Second Call 8-0**

#### **City Council Approved 23 Yeas 1 Nay as Amended**

**Note:** The Public Facilities Committee approved this item subject to second call, pending clarification from National Grid about the location of the gas main. The request originally had the item terminating in the private portion of Columbia Avenue. Councilor Leary explained that National Grid did clarify that the gas main will end in the public portion of Columbia Ave and proposed amended language as shown below.

- 320'± of 4" plastic main in Columbia Avenue from Cottage Street to the end of the main at #31 Columbia Avenue to replace 320'± of 4" LP bare steel main; in the public portion of Columbia Avenue.

Councilors noted that at the public hearing that evening, a resident inquired about the possibility of extending the gas main along the private section of Columbia as there is currently no gas line there and

there are interested property owners. While the City does not have the authority to permit a grant of location in the private way, Committee members were supportive of facilitating a conversation between the property owners on the private way and National Grid. Although the meeting has not yet happened, the Department of Public Works has confirmed that they will ask a National Grid representative to coordinate with the residents on Columbia Avenue. A Councilor expressed concern that the National Grid representative was unable to answer questions raised at the Committee meeting. Councilors noted that the proposed work is to address old and chronically leaking cast iron pipes. With that, the Committee voted to recommend the revised language and the Council took a Voice Vote in favor of approval 23 Yeas 1 Nay (Councilor Humphrey).

**The City Council voted without discussion 23 Yeas 0 Nays 1 Absent (Councilor Markiewicz) to Accept the Committee Recommendations on the following items:**

**Referred to Land Use Committee**

Tuesday, April 6, 2021

- #89-21**      **Petition to amend special permit Council Order #566-18 at 432 Cherry Street**  
DENNIS CAMERON/CRM MANAGEMENT, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #566-18 to maintain the existing office building, the change in use requires a waiver of four stalls at 424-432 Cherry Street, Section 33 Block 11 Lot 2, containing approximately 14,804 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 5.1.13, 5.1.4 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Held 8-0; Public Hearing Continued**
- #88-21**      **Petition to extend nonconforming front setback at 89 Pine Street**  
ABHAY AND ROMA MAYUR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a front porch, extending the nonconforming front setback condition at 89 Pine Street, Ward 4, Auburndale, on land known as Section 44 Block 35 Lot 87, containing approximately 22,698 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.  
**Land Use Approved 8-0; Public Hearing Closed 04/06/2021**
- #90-21**      **Petition to allow single-family attached dwelling units at 145 Warren Street**  
145 WARREN STREET CH, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwellings in two buildings, to allow reduced side setbacks, to increase the allowed lot coverage, to allow a driveway within ten feet of the side lot line and to allow retaining walls greater than 4' within a setback, to waive the requirement for one accessible parking stall and to allow a reduced driveway width at 145 Warren Street, Ward 6, Newton Centre, on land known as Section 61 Block 39 Lot 10, containing approximately 23,399 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec.

7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B, 5.1.8.B.3, 5.1.13, 5.1.8.D.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 8-0; Public Hearing Continued**

**319-20**

**Request to Rezone two parcels from BU-2 to MU-4 at 1149-1151 Walnut Street**

NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone two parcels; 1149 Walnut Street (Section 52 Block 08 Lot 13) and 1151 Walnut Street (Section 52 Block 08 Lot 14) from BUSINESS USE 2 to MIXED USE 4.

**Land Use Held 8-0; Public Hearing Continued**

**#320-20**

**Petition to allow 26-unit mixed use development at 1149-1151 Walnut Street**

NEWTON WALNUT LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to raze the existing buildings and construct a four-story mixed-use building up to 48' in height, containing 26 units and 23 parking stalls, to waive the minimum lot area per unit, to reduce the side setback requirement, to waive the requirement to use A-B+C formula to determine the parking requirement, to waive 24 parking stalls, to allow 1.25 parking stalls per unit, to allow parking in the side setback, to waive dimensional requirements for parking stalls, to allow restricted end stalls, to allow reduced aisle width, to waive perimeter landscaping requirements, to waive interior landscaping requirements and to waive lighting requirements at 1149-1151 Walnut Street, Ward 6, Newton Highlands, on land known as Section 52 Block 08 Lots 13 and 14, containing 13,200 sq. ft. in a district to be zoned MIXED USE 4 (currently zoned BUSINESS USE 2). Ref: Sec. 7.3.3, 7.4, 4.2.2.B.1, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.b, 4.2.5.A.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.A, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.9.A, 5.1.9.B, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 8-0; Public Hearing Continued**

### **Referred to Land Use Committee**

Tuesday, April 13, 2021

**#427-20**

**Petition to allow a rear-lot subdivision at 41 Washington Street**

JOSEPH AND SHEILA KEEGAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and construct a single-family on the rear 12,000 sq. ft. lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,902 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.1.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**Land Use Held 8-0; Public Hearing Continued**

**#91-21**

**Zoning amendments for Riverside project**

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY requesting amendments to Chapter 30, Newton Zoning Ordinance, in Sections 4.2.4 and 4.4.1 and 6.2.10 relative to

the Mixed Use 3 District.

**Land Use Held 8-0; Public Hearing Continued**

**#27-20(2) Petition to amend Special Permit #27-20 for Mixed Use Transit Oriented Development at Riverside Station**

MD 399 GROVE OWNER, LLC/RAMIREZ CONCORD, LLC/BH NORMANDY RIVERSIDE, LLC/MASSACHUSETTS BAY TRANSPORTATION AUTHORITY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend the Special permit site plan as approved by Council Order #27-20 to allow changes to: the square footage of all of the approved buildings, the heights of Buildings 1, 2, 3, 4, 7, 8, 9 and 10, the building footprints shown on the site plan, the open space as shown on the approved site plan, the Comprehensive Sign Package, all at 355 and 399 GROVE STREET on land known as Section 42, Block 11, Lots 3, 4 and 4A, containing approximately 13.05 acres of land in districts zoned Mixed Use 3 Transit Oriented (MU3). Ref: Sec. 4.2.3, 4.2.4, 7.3.3, 7.4, 7.3.5 of the City of Newton Revised Zoning Ordinance, 2017. Proposed Amendments are subject to the proposed text changes to the MU-3 zoning district.

**Land Use Held 8-0; Public Hearing Continued**

**Referred to Zoning & Planning Committee**

Monday, April 12, 2021

**#29-20(2) Review and possible amendment of Demolition Delay and Landmark Ordinances**

COUNCILORS KELLEY, ALBRIGHT, AUCHINCLOSS, CROSSLEY, GREENBERG, KALIS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, BOWMAN, HUMPHREY, RYAN AND NORTON requesting a review and, if appropriate, an update of Chapter 22, Sections 22-50 to 22-76 that relate to demolition delays, historic designation, and landmarking.

**(1)Landmarking - Approved as Amended by Full Council on 06/22/2020**

**(2)Demolition Delay - Held in Committee 06/22/2020, 10/15/2020 and 02/22/21**

**Zoning & Planning Held 8-0; Public Hearing Continued**

**#528-20 Requesting review and possible amendment to Local Preference in Chapter 30**

COUNCILORS ALBRIGHT, NORTON, CROSSLEY, BOWMAN, NOEL, HUMPHREY, WRIGHT, LAREDO, KALIS, RYAN, LIPOF AND DANBERG requesting a review and possible amendment to the Local Preference Ordinance in Chapter 30 sections 5.11.8. This section requires an Affirmative Fair Housing Marketing and Resident Selection Plan (AFHMP) for all Inclusionary Units which provides for a local preference for up to 70% of the Inclusionary Units. Various groups including The Fair Housing Committee and the Newton Housing Partnership have questioned whether the percent of local preference to current Newton residents should be lowered with the goal of increasing racial diversity in Newton.

**Zoning & Planning Held 8-0**

**Referred to Programs & Services Committee**

Wednesday, April 7, 2021

- #61-21 Request for response to resident petition calling for investment in athletic fields**  
COUNCILORS NORTON AND LEARY requesting a response to the 1000+ petition by Newton residents calling for investment in Newton athletic fields.  
**Programs & Services Approved Resolution in support of investing in Newton's athletic fields 8-0**
- #49-20 Request for update on leaf blower ordinance compliance**  
COUNCILORS BAKER, LEARY, RYAN, AND HUMPHREY requesting update from the Executive Department on compliance with Newton's leaf blower ordinance and discussion of possible revisions to the ordinance's enforcement provisions to improve compliance.  
**Programs and Services Voted No Action Necessary 8-0**

**Referred to Public Safety & Transportation Committee**

Wednesday, April 7, 2021

- #107-21 Resolution for the Council to send to General Court the matter of MBTA service cuts**  
COUNCILOR DOWNS, LIPOF, HUMPHREY, KALIS, KELLEY, BOWMAN, KRINTZMAN, DANBERG, NOEL AND RYAN submitting a resolution for the Council to send to the General Court on the matter of MBTA service cuts.  
**Public Safety & Transportation Approved 7-0, (Councilor Malakie not voting)**

**Referred to Public Safety & Transportation and Finance Committees**

- #119-21 Acceptance of grants funds from MassDOT's Shared Winter Streets and Spaces**  
HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred ninety-nine thousand, nine hundred and nineteen dollars and ninety-two cents (\$199,919.92) in grant funding from MassDOT's Shared Winter Streets and Spaces grant to purchase and install four Blue Bikes Stations with bicycles.  
**Finance Approved 7-0 on 04/12/2021**  
**Public Safety & Transportation Approved 8-0**

**Referred to Public Safety & Transportation and Finance Committees**

- #296-20 Discussion regarding MGL Chapter 150E**  
COUNCILORS NORTON, ALBRIGHT, BOWMAN, DOWNS, KRINTZMAN, LEARY, LIPOF, MARKIEWICZ, NOEL, WRIGHT and KALIS requesting a discussion regarding MGL Chapter 150E and the limitations it places on the City of Newton to unilaterally make changes to the Newton Police Department functions without having to negotiate them with the police unions.  
**Finance Committee to Meet**  
**Public Safety & Transportation Voted No Action Necessary 7-0-1 (Councilor Malakie**

**abstaining)****#280-20****Discussion with Police regarding department policies**

COUNCILORS ALBRIGHT, BOWMAN, DOWNS, GREENBERG, LEARY, KELLEY, WRIGHT, KALIS, HUMPHREY, MALAKIE, GROSSMAN, DANBERG, NOEL, LIPOF requesting a discussion with Chief MacDonald and appropriate members of the Police Department regarding policies and procedures around the use of force and measures to combat racism. One possible outcome to augment departmental community policing might be a citizens' oversight body that reflects the demographics and values of Newton.

**Public Safety & Transportation Voted No Action Necessary 7-0-1 (Councilor Malakie abstaining)**

**#279-20****Resolution on Newton Police Policy and Training**

COUNCILORS NOEL, ALBRIGHT, BOWMAN, NORTON, DOWNS, LEARY, LIPOF, WRIGHT, KALIS, KRINTZMAN, HUMPHREY, CROSSLEY, GROSSMAN, GREENBERG, RYAN, DANBERG, AUCHINCLOSS AND MARKIEWICZ submit a resolution to ensure Newton Police policy and training reflects the values and commitment of our community, reducing police violence, facilitating citizens' First Amendment Right to peacefully protest, and actively engaging in non-biased community policing.

**Public Safety & Transportation Voted No Action Necessary 7-0-1 (Councilor Malakie abstaining)**

**#275-20****Discussion with the Police and Human Resources about Newton practices**

COUNCILORS NORTON, DOWNS, GROSSMAN, LAREDO, MALAKIE, AUCHINCLOSS, NOEL AND BOWMAN requesting a discussion with the Newton Police Chief and Human Resources Director about Newton practices regarding recruitment, screening, training, advancement, and removal of police officers, including plans to increase the number of black and minority officers.

**Public Safety & Transportation Voted No Action Necessary 7-0-1 (Councilor Malakie abstaining)**

**Referred to Public Facilities Committee**

Wednesday, April 7, 2021

**#109-21****Petition for grant of location on Parmenter Road**

EVERSOURCE ENERGY petition for a grant of location to install a guy wire, hip and anchor at pole #109/3 on Parmenter Road. (Ward 3)

**Public Facilities Approved 7-0 (Councilor Danberg not voting)**

**#80-20****Discussion on the cost and benefits of undergrounding utility wires/cables**

COUNCILOR LAREDO requesting a discussion to consider the costs and benefits of undergrounding utility wires/cables when major streets are repaved.

**Public Facilities Held 8-0**

**#111-21****Discussion on private way acceptance and maintenance**

PUBLIC FACILITIES COMMITTEE requesting an overview of Mass General Laws and City Ordinances pertaining to private way acceptance and maintenance.

**Public Facilities Voted No Action Necessary 8-0**

**#112-21**

**Discussion on the City's Street Sweeping Program**

PUBLIC FACILITIES COMMITTEE requesting an update on the City's Street Sweeping Program regarding; signage, ways to improve efficiencies and ensuring that the City is in compliance with the National Pollutant Discharge Elimination System (NPDES) permit.

**Public Facilities Held 8-0**

**Referred to Finance Committee**

Monday, April 12, 2021

**#98-21**

**Resolution in Support of HD.1440 which authorizes 5% charge for streaming providers**

PRESIDENT ALBRIGHT AND VICE PRESIDENT LIPOF requesting Council support for a resolution to the Massachusetts legislature for HD 1440 which will help cable providers survive through the trending movement away from cable providers to streaming video providers. The streaming video providers use the same public way as cable providers but do not pay for it. This act will authorize a 5% charge for the use of the public way. Through HD.1440 the Commonwealth will join a majority of states which now authorize such payments.

**Finance Approved 7-0**

**Referred to the Public Facilities and Finance Committees**

**#121-21**

**Transfer \$146,257 from the Cabot Elementary School Owner's Contingency budget**

HER HONOR THE MAYOR requesting the authorization to transfer the sum of one hundred forty-six thousand two hundred and fifty-seven dollars (\$146,257) from the Cabot Elementary School Owner's Contingency budget to the Architect & Consultants budget so that the additional design services costs can be reviewed for eligibility by the MSBA.

**Public Facilities Approved 8-0 on 04/07/2021**

**Finance Approved 7-0**

**Referred to Public Safety & Transportation and Finance Committees**

**#119-21**

**Acceptance of grants funds from MassDOT's Shared Winter Streets and Spaces**

HER HONOR THE MAYOR requesting authorization to accept and expend the sum of one hundred ninety-nine thousand, nine hundred and nineteen dollars and ninety-two cents (\$199,919.92) in grant funding from MassDOT's Shared Winter Streets and Spaces grant to purchase and install four Blue Bikes Stations with bicycles.

**Public Safety & Transportation Approved 8-0 on 04/07/2021**

**Finance Approved 7-0**

**#115-21**

**Acceptance of grant funds from COVID-19 pandemic response grant program**

HER HONOR THE MAYOR requesting authorization to accept and expend federal COVID-

19 pandemic response grant program funds, including from the CARES Act and American Rescue Plan Act (ARPA).

**Finance Approved 7-0**

**#395-20**

**Request for updates on budget and possible reimbursements at Newton Public Schools**

The President of the Council, on behalf of the City Council, requesting updates to the Finance Committee from the Chief Financial Officer regarding budget expenditures and possible reimbursements related to school reopening at each meeting this fall.

**Finance Held 7-0**

**#114-21**

**Discussion on Covid-19 expenditures**

FINANCE COMMITTEE requesting updates from the Chief Financial Officer on the expenditure of funds for Covid-19.

**Finance Held 7-0**

**The City Council voted without discussion 22 Yeas 1 Nay (Councilor Malakie) 1 Absent (Councilor Markiewicz) to Accept the Committee Recommendations on the following items:**

**#117-21**

**Request for Ordinance Amendments to Chapter 2 relating to paid leave time**

HER HONOR THE MAYOR requesting the authorization to grant new employees paid leave time in excess of the provisions currently set forth in Article 2, Sections 2-41, 2-65, and 2-67 of the Revised City of Newton Ordinances 2017.

**Finance Approved 6-1 (Councilor Malakie opposed)**

**The City Council voted without discussion 22 Yeas 0 Nays 1 Recused (Councilor Noel) and 1 Absent (Councilor Markiewicz) to Accept the Committee Recommendations on the following items:**

**#106-21**

**Request authorization, pursuant to the 2020 Revised Citizen Participation Plan**

HER HONOR THE MAYOR requesting City Council authorization, pursuant to the 2020 Revised Citizen Participation Plan, to submit the FY22 Annual Action Plan to the US Department of Housing and Urban Development (HUD) for the City of Newton Community Development Block Grant (CDBG) and Emergency Solution Grant (ESG) funds and the WestMetro HOME Consortium.

**Zoning & Planning Approved 8-0**

**The City Council voted without discussion 19 Yeas 4 Nays (Councilors Crossley, Humphrey, Noel and Ryan) 1 Absent (Councilor Markiewicz) to Accept the Committee Recommendations on the following items:**

**Referred to Zoning & Planning and Finance Committees**

**#458-20**

**CPC Recommendation to appropriate \$1,433,000 in CPA funding for Grace Church**

COMMUNITY PRESERVATION COMMITTEE recommending the appropriation of one million four hundred and thirty-three thousand dollars (\$1,433,000) in Community Preservation Act historic resource funding to the Grace Episcopal Church Tower Restoration project for the stabilization and preservation of the historically significant ca. 1872 conical stone spire, tower and belfry.

**City Council Approved on 03/01/2021 17 Yeas 5 Nays (Councilors Crossley, Humphrey, Noel, Ryan and Albright), 2 Vacancies**

**Her Honor the Mayor Vetoed Council Order #458-20 on 03/08/2021. The City Council recommitted item #458-20 to the Finance Committee on 04/05/2021.**

**Finance Approved as Amended to \$991,244.71 5-2 (Councilors Noel and Humphrey opposed)**

***Public Hearing were assigned for the following items:***

***Public Hearing Assigned for May 13, 2021***

**#122-21**

**Petition to extend nonconforming two-family use at 9-11 Noble Street**

JOHN CARUSO petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers in the attic level, extending the nonconforming two-family use at 9-11 Noble Street, Ward 3, West Newton, on land known as Section 44 Block 4 Lot 19, containing approximately 6,258 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing Assigned for May 13, 2021***

**#123-21**

**Petition to exceed FAR at 9 Old Orchard Road**

9 OLD ORCHARD RD LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to extend the ceiling height in a single-story rear addition to create atria space and to enclose an existing breezeway, exceeding the allowable FAR of .28 at 9 Old Orchard Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 16 Lot 21, containing approximately 7,650 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing Assigned for May 13, 2021***

**#124-21**

**Petition to allow three-story structure at 28 Harrington Street**

DOMENICO TAMBASCIA petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct dormers on the attic level that exceed 50% of the wall plane below and within 3' of the end wall in the attic level, creating a three-story structure in the MR3 zone at 28 Harrington Street, Ward 2, on land known as Section 21 Block 35 Lot 15, containing approximately 9,124 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.2.3, 1.5.4.G.2.b of the City of Newton Rev Zoning Ord, 2017.

***Public Hearing Assigned for May 13, 2021***

**#125-21      Petition to allow marijuana retailer at 740 Beacon Street**

THE GREEN LADY DISPENSARY II, INC/740 BEACON STREET LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a recreational marijuana retail establishment, to allow parking in the side setback, to reduce dimensions for accessible parking stalls, to reduce the minimum aisle width for two-way traffic, to waive perimeter screening requirements and to waive lighting requirements at 740 Beacon Street, Ward 6, Newton Centre, on land known as Section 61 Block 38 Lo 6, containing approximately 10,969 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.8.A.1, 5.1.13, 5.1.8.B.4, 5.1.8.C.1, 5.1.9.A, 5.1.10 of the City of Newton Rev Zoning Ord, 2017.